

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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ASSISTANT ATTORNEY GENERAL IN CHARGE
LITIGATION BUREAU

ENDORSED
ORDER

Approved

8/13/08

August 12, 2008

via Hand Delivery

Honorable Michael H. Dolinger
United States District Magistrate Judge
United States District Courthouse
500 Pearl Street
New York, NY 10007

Re: Carl v. Griffin, et al.
08 Civ. 4981 (RMB)(MHD)

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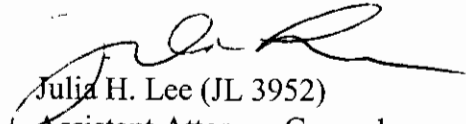
Your Honor,

I am an Assistant Attorney General in the Office of Andrew Cuomo, Attorney General of the State of New York, counsel for defendants. I am writing respectfully to request an enlargement of time for defendants to answer or otherwise move with respect to the above-captioned complaint, up to and including September 8, 2008. Defendants Cestaro, Griffin, Drenke, Nichols and Urbanski were served copies of the complaint from July 28-31, 2008, making their responsive pleadings due by August 17-20, 2008. Defendant Ramos has not yet been served. Nevertheless, the Office of the Attorney General anticipates that we will be representing Ramos, if and when this individual is properly served. By making this request on behalf of defendant Ramos, I am not waiving any rights that the individual who has not yet been served may have, such as the right to assert the defense of lack of personal jurisdiction.

This is the defendants' first request for an enlargement of time. Plaintiff has not been consulted because of the difficulties in communicating with pro se inmates.

The reason for the enlargement of time until September 8, 2008 is to allow the Office of the Attorney General to make the appropriate representation determination for all defendants under New York Public Officers' Law §17 and to file an appropriate responsive pleading. Additionally, due to a personal matter, I will be out of the office from August 19 and returning September 3, 2008, after the original responsive pleading due date. I thank the Court for its consideration in this matter.

Respectfully submitted,



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